

**REMARKS**

Claims 1, 33, 34, 43, 45, 50, 52, 56, 57 and 59 are pending. Claims 34, 45 and 56 have been amended. Claims 1, 33, 43, 50, 52, 57 and 59 are cancelled herein. Claims 2-32, 35-42, 44, 46-49, 51, 53-55 and 58 were previously cancelled. No claims have been added by this amendment. Applicants submit that no new matter is added herein.

**Claim Rejections 35 USC §112**

Claim 33 was rejected under 35 USC §112 second paragraph, as indefinite. Specifically, the Examiner indicates the term "Ikanolamine" is indefinite. Claim 33 has been cancelled herein. Accordingly, the current rejection as applied to claim 33 is rendered moot.

**Claim Rejections 35 USC §102**

Claims 43, 50 and 52 stand rejected under 35 USC §102(b) as being anticipated by Nagato, et al. (JP 134227). Claims 43, 50 and 52 have been cancelled herein. Accordingly, the rejection as applied to claims 43, 50 and 52 has been rendered moot.

Claims 43, 50 and 52 stand rejected under 35 USC §102(e) as being anticipated by Kaufman, et al. (US Patent No. 6,017,562). Claims 43, 50 and 52 have been cancelled herein. Accordingly, the rejection as applied to claims 43, 50 and 52 has been rendered moot.

**Claim Rejections 35 USC §103**

Claims 1, 33, 43, 50, 52, 57 and 59 stand rejected under 35 USC §102(b) as anticipated, or, in the alternative, under 35 USC §103(a) as obvious over Weise (US Patent No. 5,227,156). Claims 1, 33, 43, 50, 52, 57 and 59 have been cancelled herein. Accordingly, the rejection as applied to claims 1, 33, 43, 50, 52, 57 and 59 has been rendered moot.

Claims 1, 33, 34, 43, 45, 50, 52, 56, 57, and 59 stand rejected under 35 USC §103(a) as being unpatentable over Kappock, et al. (U.S. Patent No. 5,518,774). Claims 1, 33, 43, 50, 52, 57 and 59 have been cancelled herein. Accordingly, the rejection as applied to claims 1, 33, 43, 50, 52, 57 and 59 has been rendered moot. Claims 34, 45 and 56 have been amended to overcome the rejection and are now believed to be in condition for allowance.

Amended claims 34 and 45, and previously presented claim 56 are believed to be patentable over Kappock, et al. under 35 U.S.C. 103(a). Kappock, et al. discloses a pyrithione-containing coating composition that exhibits a combination of in-can preservation against microbial attack plus antimicrobial efficacy of the dry film resulting from the use of the coating composition on a substrate. This coating composition includes a pyrithione salt and a metal ion containing compound.

While Applicants acknowledge Kappock, et al. discloses sodium pyrithione and zinc containing metal ions, Kappock, et al. does not teach the combination of a salt of pyrithione, a zinc metal salt, and an alkanolamine. Moreover, Kappock, et al. doesn't even suggest this combination. Applicants respectfully point out to the Examiner that Kappock, et al. displays a wish list of multiple combinations, none of which suggest the specifically claimed compounds and particularly recited ratios.

This is highlighted in the examples in the Kappock, et al., specifically in columns 5-8 of the ref, wherein Kappock, et al. discloses a procedure used to make acrylic latex paint, which includes, inter alia, sodium pyrithione, zinc oxide, and polypropylene glycol as a defoaming agent. However, it is noted, that the examples in Kappock, et al. neither teach nor suggest the addition of alkanolamine. As noted in the instant application on page 26, line 6, the


antimicrobial composition concentrate additionally includes water or an organic solvent, such as alkanolamine.

It is respectfully submitted that nothing in Kappock, et al. discloses or suggest the instantly claimed invention. It is respectfully submitted that Applicants' invention, now defined by claims 34, 45 and 56, is not obvious from the teachings of Kappock, et al. Withdrawal of the 103(a) rejection and allowance of all of the claims now in this application is respectfully requested.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,  
John D. Nelson, Jr., et al.

Date: February 14, 2008

  
Sherri T. Dente  
Reg. No. 56,896

**CONTACT INFORMATION:**  
WIGGIN AND DANA LLP  
One Century Tower  
New Haven, CT 06508-1832  
Telephone: (203) 498-4400  
Facsimile: (203) 782-2889  
Email: sdente@wiggin.com

\\12800\\601\\679528.1